

**DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled ITERATIVE REPAIR OPTIMIZATION WITH PARTICULAR APPLICATION TO SCHEDULING FOR INTEGRATED CAPACITY AND INVENTORY PLANNING, the specification of which

(check ☒ is attached hereto.  
one)  
☐ was filed on \_\_\_\_\_ as  
Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_.  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known to me which is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulation, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Stephen C. Shear, Reg No. 25,764; Paula M. Chavez, Reg. No. 34,798; David R. Graham, Reg. No. 36,150; James C. Weseman, Reg. No. 30,507; Marnie Wright Barnhorst, Reg. No. 36,740; Harris Brotman, Reg. No. 35,461; and Timothy J. King, Reg. No. P-38,204, provided that if any one of said attorneys ceases being affiliated with the law firm of Gray Cary Ware & Freidenrich as partner, employee or of counsel, such attorney's appointment as attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

Direct all telephone calls to David R. Graham at (415) 328-6561.

Address all correspondence to:

David R. Graham, Esq.  
GRAY CARY WARE & FREIDENRICH  
400 Hamilton Avenue  
Palo Alto, California 94301

File No. R0488-901000

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or  
first inventor:

MONTE ZWEBEN

Inventor's signature:

Date:

Residence:

2070 Fell Street, Apt. No. 2, San Francisco, CA 94117

Citizenship:

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2070 Fell Street, Apt. No. 2, San Francisco, CA 94117

Full name of second joint  
inventor, if any:

MICHAEL J. DEALE

Inventor's signature:

Date:

Residence:

1457 Mallard Way, Sunnyvale, CA 94087

Citizenship:

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Post Office Address:

1457 Mallard Way, Sunnyvale, CA 94087

Full name of third joint

inventor, if any: EUGENE D. DAVIS

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 718 Forty-Second Avenue, No. 1812, Foster City, CA 94404

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Post Office Address: 718 Forty-Second Avenue, No. 1812, Foster City, CA 94404

Full name of fourth joint

inventor, if any: BRIAN L. DAUN

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 111 North Rengstorff, Mountain View, CA 94043

Citizenship: U. S. A.

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Applicants/Patentee: MONTE ZWEBEN, MICHAEL J. DEALE, EUGENE D. DAVIS and BRIAN L. DAUN

Serial or Patent No. (not assigned yet)

Attorney Docket Number: R0488-901000

Filed or Issued: October 11, 1994



VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS

37 CFR 1.9(f) and 1.27(c)--SMALL BUSINESS CONCERN

I hereby declare that I am

☒ the owner of the small business concern identified below:

☐ an official empowered to act on behalf of the small business concern identified below:

NAME OF CONCERN: Red Pepper Software Company

ADDRESS: 1810 Gateway Drive, Suite 150, San Mateo, CA 94404

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under 41(a) and (b) of Title 35, U.S. Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled: ITERATIVE REPAIR OPTIMIZATION WITH PARTICULAR APPLICATION TO SCHEDULING FOR INTEGRATED CAPACITY AND INVENTORY PLANNING by inventors MONTE ZWEBEN, MICHAEL J. DEALE, EUGENE D. DAVIS and BRIAN L. DAUN described in

☒ the specification filed herewith.

☐ application Serial Number \_\_\_\_\_ filed

☐ patent # \_\_\_\_\_ issued

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \*Note: separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

☐ individual    ☐ small business concern    ☐ nonprofit organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 1001 of Title 18 of the U.S. Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

TITLE IN ORGANIZATION:

ADDRESS OF PERSON SIGNING: 1810 Gateway Drive, Suite 150, San Mateo, CA 94404

SIGNATURE \_\_\_\_\_ DATE: \_\_\_\_\_